

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ORIGINAL

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CHARLES SALDARRIAGA

Plaintiff,

No. 1:25-CV-1115-RPK-JRC

- against -

JUDGE RACHEL P. KOVNER

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT SERGEANT DET. WILLIAM
J. PLANETA (SHIELD NO. 2571), DET. ERIC BOLGER
(SHIELD NO. 680), DET. LEONARDO MOSCOSO
(SHIELD NO. 5917), OFFICER MOHAMMAD F.
HOSSAIN (SHIELD NO. 17007)

MAGISTRATE JUDGE
JAMES R. CHO

REC'D IN PRO SE OFFICE
APR 21 '25 AM 11:52

Defendants.
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**MOTION FOR EXTENSION OF TIME TO SERVE DEFENDANTS AND FOR
LEAVE TO EFFECT ALTERNATIVE SERVICE PURSUANT TO RULE 4**

Plaintiff CHARLES SALDARRIAGA, proceeding pro se and in forma pauperis, respectfully moves this Honorable Court for: (1) an extension of time under Fed. R. Civ. P. Rule 4(m) to serve process on Defendants Hossain and Moscoso; (2) an order directing the Clerk of Court to reissue summonses listing updated addresses for those defendants; (3) an order directing the U.S. Marshals Service to effect service on them pursuant to Fed. R. Civ. P. 4(c)(3) and 28 U.S.C. § 1915(d); and (4) leave to effect alternative service under Fed. R. Civ. P. 4(e)(1) and CPLR 308(5).

PROCEDURAL HISTORY

1. On March 5, 2025, Plaintiff was granted leave to proceed in forma pauperis.

2. On March 10, 2025, the Clerk issued summonses and the U.S. Marshals Service was directed to serve the defendants.

3. On March 27, 2025, the U.S. Marshals attempted service using addresses Plaintiff initially provided.

4. On April 1, 2025, the Marshals filed unexecuted returns for Defendants MOHAMMAD F. HOSSAIN and LEONARDO MOSCOSO. (See Exhibits A and B, attached.)

GOOD CAUSE EXISTS TO EXTEND TIME FOR SERVICE

5. Plaintiff has diligently attempted to locate the individual defendants. After the failed attempts, Plaintiff obtained updated addresses through independent efforts, as follows:

- **MOHAMMAD F. HOSSAIN**
NYPD Police Academy
109th Satellite Station
130-30 28th Avenue
College Point, NY 11354
- **LEONARDO MOSCOSO**
93-35 123rd Street
South Richmond Hill, NY 11419

6. Plaintiff will provide completed USM-285 forms within seven (7) days of any order reissuing summonses.

7. As Plaintiff proceeds in forma pauperis, the U.S. Marshals Service must effect service under Fed. R. Civ. P. 4(c)(3) and 28 U.S.C. § 1915(d).

REQUEST FOR ALTERNATIVE SERVICE UNDER CPLR 308(5)

8. Pursuant to Rule 4(e)(1), Plaintiff requests leave to serve Defendants Hossain and Moscoso by means permitted under New York law.

9. CPLR 308(5) allows courts to direct alternative service when traditional methods have proven impracticable. Plaintiff proposes:

- a) personal service at the updated addresses by the U.S. Marshals, or
- b) certified mail, first-class mail, or any other method the Court deems proper.

10. These methods are reasonably calculated to give actual notice and are routinely approved when a pro se plaintiff has shown diligence and prior service efforts have failed.

WHEREFORE, Plaintiff respectfully requests:

- a. An extension of 90 days to the Rule 4(m) deadline to complete service;
- b. An order directing the Clerk to reissue summonses listing the updated addresses for Defendants Hossain and Moscoso;
- c. An order directing the U.S. Marshals Service to serve the individual defendants by personal delivery or, if impracticable, by alternative means authorized by the Court;
- d. Leave for Plaintiff to retain a private process server in the event the Marshals are unable to complete service within the extended period; and
- e. Any other relief the Court deems just and proper.

Dated: April 21, 2025
Queens, New York

Respectfully submitted,


/s/ Charles Saldarriaga

Charles Saldarriaga

Pro Se Plaintiff

1-20 Astoria Blvd Apt 4H

Astoria, New York 11102

(929) 789-2220

Charlesny09@yahoo.com

Exhibit A

USM-285 is a 5-part form. Fill out the form and print 5 copies. Sign as needed and route as specified below.

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF Charles Saldarriaga	COURT CASE NUMBER 1:25-cv-01115-RPK-JRC
DEFENDANT The City of New York et al	TYPE OF PROCESS O, S, C

SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
	Detective Leonardo Moscoso, NYPD 114th Precinct
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 34-16 Astoria Blvd Astoria, NY 11103

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	3
PRO SE Charles Saldarriaga 1-20 Astoria Blvd. Apt. 4H Astoria, NY 11102	Number of parties to be served in this case	5
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include ~~Business~~ ^{Home} addresses, U.S. DISTRICT COURT E.D.N.Y.
All Telephone Numbers, and Estimated Times Available for Service):

Fold

FILED
U.S. DISTRICT COURT E.D.N.Y.
★ APR 01 2025 ★

Fold

BROOKLYN OFFICE

Signature of Attorney other Originator requesting service on behalf of: <u>V. Martinez</u>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (718) 613-2610	DATE 3/10/25
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process <u>1</u>	District of Origin No. <u>53</u>	District to Serve No. <u>53</u>	Signature of Authorized USMS Deputy or Clerk <u>S. Henney</u>	Date <u>3/14/25</u>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (If not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode				
Address (complete only different than shown above)	<table border="1"> <tr> <td>Date <u>3/28/25</u></td> <td>Time <u>8:00</u> <input checked="" type="checkbox"/> am <input type="checkbox"/> pm</td> </tr> <tr> <td colspan="2">Signature of U.S. Marshal or Deputy <u>#32464 David Lyb</u></td> </tr> </table>	Date <u>3/28/25</u>	Time <u>8:00</u> <input checked="" type="checkbox"/> am <input type="checkbox"/> pm	Signature of U.S. Marshal or Deputy <u>#32464 David Lyb</u>	
Date <u>3/28/25</u>	Time <u>8:00</u> <input checked="" type="checkbox"/> am <input type="checkbox"/> pm				
Signature of U.S. Marshal or Deputy <u>#32464 David Lyb</u>					

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*) <u>\$0.00</u>
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REMARKS: DESK Sgt PARADISE #2647 states that individual to be served no longer works at 114 Pet and is retired.

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285
Rev. 12/15/80
Automated 01/00

Exhibit B

USM-285 is a 5-part form. Fill out the form and print 5 copies. Sign as needed and route as specified below.

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF Charles Saldarriaga	COURT CASE NUMBER 1:25-cv-01115-RPK-JRC
DEFENDANT The City of New York et al	TYPE OF PROCESS O, S, C

SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
	Officer Mohammad F. Hossain, NYPD 109th Precinct
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 37-05 Union Street Flushing, NY 11354

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	3
PRO SE Charles Saldarriaga 1-20 Astoria Blvd. Apt. 4H Astoria, NY 11102	Number of parties to be served in this case	5
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 01 2025 ★

BROOKLYN OFFICE

Signature of Attorney other Originator requesting service on behalf of: <i>V. Martinez</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (718) 613-2610	DATE 3/10/25
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process <u>1</u>	District of Origin No. <u>03</u>	District to Serve No. <u>03</u>	Signature of Authorized USMS Deputy or Clerk <i>J. Henney</i>	Date <u>3/14/25</u>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (If not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above)	Date <u>3/27/25</u> Time <u>6:10</u> <input type="checkbox"/> am <input checked="" type="checkbox"/> pm
	Signature of U.S. Marshal or Deputy <i>David V. [Signature]</i> #32464

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS: Desk SGT stated individual to be served works at 109th Satellite at Police Academy. HUBBARD # 3508

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285
Rev. 12/15/80
Automated 01/00